

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
Geoffrey Lee) Art Unit: 1612
)
Application No.: 10/502,495) Examiner: Maewall, Snigdha
)
Filed: June 24, 2005) Confirmation No.: 5458
)
FOR: DERMAL APPLICATION SYSTEM)
FOR AMINOLEVULINIC ACID-)
DERIVATIVES)

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

BALLARD SPAHR ANDREWS & INGERSOLL, LLP
Customer No. 23859

May 21, 2009

Dear Sir:

Applicant or patent owner hereby appeals under 37 C.F.R. § 41.31 to the Board of Patent Appeals and Interferences from the decision of the Examiner dated finally rejecting claims 1-14.

The items checked below are appropriate:

1. An extension of time to respond to the final rejection:
(a) was obtained for _____ month(s).
(b) is requested herewith under 37 C.F.R. § 1.136.
2. A credit card payment is submitted herewith via EFS Web in the amount of \$335.00. This amount is believed to be correct; however, the Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 14-0629.

- Appeal fee amount pursuant to 37 C.F.R. § 41.20(b)(1) = \$270.00 for a small entity
- Extension of time fee amount pursuant to 37 C.F.R. §1.17(a)(1) = \$65 - one month extension of time fee.

3. Enclosed is a Pre-Appeal Brief Request for Review and ____ sheets of reasons.

Respectfully submitted,

BALLARD SPAHR ANDREWS & INGERSOLL, LLP

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CERTIFICATE OF ELECTRONIC TRANSMISSION UNDER 37 C.F.R. § 1.8			
I hereby certify that this correspondence, including any items indicated as attached or included, is being transmitted via electronic transmission via EFS-Web on the date indicated below.			
Name of Person (Print/Type)	P. Brian Giles, Ph.D.		
Signature	<u>Brian Giles</u>	Date	5-21-2009